

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

LARRIE HOPE, )  
 )  
 Plaintiff, ) CIVIL ACTION NO.  
 v. ) 2:07cv210-MHT  
 )  
 RICHARD ALLEN, Commissioner )  
 of Alabama Department of )  
 Corrections, et al., )  
 )  
 Defendants. )

ORDER

After an independent and de novo review of the record and upon consideration of the magistrate judge's recommendation (Doc. No. 45), to which no objection has been filed, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

- (1) The magistrate judge's recommendation (Doc. No. 45) is adopted.
- (2) The motion for summary judgment (Doc. No. 17) is granted in part and denied in part.

(3) Summary judgment is entered in favor of defendants Richard Allen, W. G. Rowell, Leon Bolling, Bobby Barrett, Carl Clay, and Allan D. Smith and against plaintiff Larrie Hope on all claims against these defendants in both their official and individual capacities, with plaintiff Larrie Hope taking nothing as to all claims against these defendants in their official and individual capacities.

(4) Summary judgment is entered in favor of defendants Roosevelt Pettaway, Anthony Barber, and Tericus Dinkins and against plaintiff Hope on all claims against these defendants in their official and individual capacities, except as to plaintiff Hope's excessive-force claim against these defendants in their individual capacities, with plaintiff taking nothing as to all the claims against these defendants except plaintiff Hope's excessive-force claim against these defendants in their individual capacities.

(5) This case will proceed to trial on plaintiff Hope's excessive-force claim against defendants Pettaway, Barber, and Dinkins in their individual capacities.

DONE, this the 16th day of June, 2009.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE